

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,
12 v.
13 THANH CONG PHAN,
14 Defendant.

CASE NO. CR18-0086-JCC
ORDER

15 This matter comes before the Court on Defendant's unopposed motion to seal (Dkt. No.
16 44) defense counsel's response to Defendant's competency evaluation (Dkt. No. 45).

17 "There is a strong presumption of public access to the court's files." W.D. Wash. Local
18 Civ. R. 5(g). To overcome this presumption, there must be a "compelling reason" for sealing
19 sufficient to outweigh the public's interest in disclosure. *Ctr. for Auto Safety v. Chrysler Grp.,*
20 *LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016) (applying the "compelling reason" test to motions to
21 seal documents that are "more than tangentially related to the merits of a case"). Defendant seeks
22 to maintain under seal defense counsel's response to Defendant's competency evaluation. (Dkt.
23 Nos. 44, 45.) The competency evaluation, and defense counsel's response to it, contain highly
24 personal and sensitive information about Defendant's mental health condition, in which the
25 public has minimal interest. (Dkt. No. 45.) On this basis, the Court finds there is a compelling
26 reason to seal defense counsel's response that outweighs the public's interest in its disclosure.

1 For the foregoing reasons, Defendant's motion to seal (Dkt. No. 44) is GRANTED. The
2 Clerk is DIRECTED to maintain Docket Number 45 under seal.

3 DATED this 22nd day of February 2019.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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